MONTANA LEGISLATIVE HISTORY

Chapter 199 1997

Bill H _____ S 215 Original bill & history ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Mar 05	✓ C	Hearing Date(s) Jan 31	✓ C
Mar 10	✓ C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Mar 10	✓ C	Jan 31	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

INTRODUCED BY Senate BILL NO. 215

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE IT A MISDEMEANOR TO ALLOW BUFFALO TO RUN AT LARGE AND TO PROVIDE CIVIL REMEDIES FOR DAMAGE CAUSED THEREBY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Buffalo not to run at large. (1) An owner or person having the management or control of any buffalo shall contain such animal in an enclosure sufficient to prevent it from running at large.

(2) Any such owner or person who knowingly permits buffalo to run at large is guilty of a misdemeanor and punishable by a fine not to exceed $50.

Section 2. Liability for civil damages. Any person damaged by buffalo running at large may recover any damage sustained thereby in a civil action.

Section 3. Buffalo running at large a public nuisance. A buffalo running at large is a public nuisance and may be removed as provided by law for the abatement of public nuisances.

Section 4. Section 46-1409, R.C.M. 1947, is amended to read as follows:

"46-1409. Liability of owners of stock for trespass. If any cattle, horse, mule, ass, hog, sheep, buffalo, or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

-End-

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 31, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, on the above date at 9:30 a.m. in Room 442 of the State Capitol Building.

ROLL CALL:

All members of the committee were present with the exception of Senator Murray who was excused.

CONSIDERATION OF SENATE BILL 215:

Senator Turnage explained why he had sponsored this bill and that he was nowproposing that it be amended because the "buffalo" should actually be called "bison".

The proposed amendments were as follows:

1. Amend title, lines 4 and 5.
Strike: "TO MAKE IT A MISDEMEANOR TO ALLOW BUFFALO TO RUN AT LARGE AND"

2. Amend title, line 6.
Strike: "THEREBY"
Insert: "BY TRESPASSING BISON"

3. Amend page 1, section 1, lines 9 through 15.
Strike: section 1 in its entirety

4. Amend page 1, section 2, lines 16 through 18.
Strike: section 2 in its entirety

5. Amend page 1, section 3, lines 19 through 22.
Strike: section 3 in its entirety

6. Amend page 1, section 4, line 23.
Following: "Section"
Strike: "4"
Insert: "1"

7. Amend page 2, section 4, line 1.
Strike: "buffalo"
Insert: "bison"

Senator Towe moved adoption of the above amendments. Motion carried. Senator Towe then moved that S.B. 215 as amended DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 156:

Amendments suggested by Leonard C. Larson, Deputy Secretary of

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 1-31-77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓ 10:25		-
MURRAY, William			✓
OLSON, Stuart	✓		
DENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓		

JUDICIARY COMMITTEE
March 9, 1977

The regularly scheduled meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building, Helena, on Wednesday, March 9. All members were present with the exception of Representatives Colburn and Kennerly.

Scheduled for hearing were Senate Bills 58, 119, 215, 229, 250, 254, 326 and 176.

SENATE BILL #215:
SENATOR TURNAGE, DISTRICT #14:
This bill came about because people raising buffalo let them run at large, and they have become a problem in some areas. The fish and game doesn't want them on their list, they don't want to bother with them. The bill states there would be liability of the owners for trespass.

There were no other proponents and no opponents.

The hearing closed on Senate Bill #215.

The hearing opened on Senate Bill #326:

SENATE BILL #326:
SENATOR TURNAGE, DISTRICT #14:
This came up in Lake County. In cases in which the term used to be annulment, it is now declaring the invalidity of a marriage. We changed the wording because of the common law marriage. Before we adopted the uniform marriage law you could annul any marriage. The law now states certain circumstances in which a marriage cannot be annuled. He cited these instances.

No other proponents and no opponents.

The hearing closed on Senate Bill #326.

The hearing opened on Senate Bill #119

SENATE BILL #119:
SENATOR HAZELBAKER, DISTRICT #24:
This bill is designed from bills from other states, to retain all privileges and immunities from liability, when responding to or providing assistance to any other peace officer who has called for assistance. It would provide guidelines. This would be if a peace officer is rendering assistance and is injured while doing so this would entitle him to his same salary, insurance, pension and other benefits.

PROPONENT, JOE SOLE, MONTANA HIGHWAY PATROL:
We want to be able to give help if in a situation where it might be required, such as a family fight. This would help there, they would

JUDICIARY COMMITTEE

Executive session
March 10, 1977

The executive session followed the regular meeting of the House Judiciary committee on Thursday, March 10 at 8:30 a.m. in room 436 of the Capitol Building, Helena, Montana. Members absent and not voting were Representatives Dussault and Kennerly.

SENATE BILL #41:
REPRESENTATIVE LORY moved "be concurred in".
The motion carried with the vote unanimous.

SENATE BILL #42:
REPRESENTATIVE CONROY moved "be concurred in".
The motion carried with Representative Hand voting "no".

SENATE BILL #43:
REPRESENTATIVE RAMIREZ moved "be concurred in".
The motion carried with the vote unanimous.

SENATE BILL #53:
REPRESENTATIVE LORY moved "be concurred in".
Representative Eudaily reported what he had found out on the school fund. There is a special school fund in budgets for liability coverage. That would make it possible for them to set up this fund and levy this millage. There is no reserve fund but the schools feel this can be set up. After additional discussion it was decided to pass consideration for the day until the members had more time to study the bill.

SENATE BILL #58:
REPRESENTATIVE EUDAILY moved "be concurred in".
A general discussion followed about what this bill does. The question was called and the motion carried with the vote unanimous.

SENATE BILL #119:
REPRESENTATIVE KEYSER moved "be concurred in".
Representative Ramirez moved to amend a section he was concerned about. A discussion followed about workmen's compensation and how this bill would be affected by the portion dealing with that subject. Representative Ramirez withdrew his motion and the original motion was back in force. The question was called and the motion carried with the vote unanimous.

SENATE BILL #176:
REPRESENTATIVE LORY moved "be concurred in".
The motion carried with Representative Day voting "no".

SENATE BILL #215:
REPRESENTATIVE CONROY moved "be concurred in".
The motion carried with the vote unanimous.

SENATE BILL NO. 215

INTRODUCED BY TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO MAKE IT A MISDEMEANOR TO ALLOW BUFFALO TO RUN AT LARGE AND~~ TO PROVIDE CIVIL REMEDIES FOR DAMAGE CAUSED ~~THEREBY~~ BY TRESPASSING BISON."

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-End-